

February 27, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Client-side multimedia content targeting system

US File # **20030182567**

Filed: January 8, 2003

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20030182567**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained at the client level. The inventor refers to a traditional client/server system as a "client-side multimedia content targeting system" presumably residing in a settop box connected to a television. Within this system, he builds and stores (Claim 10) a database containing a plurality of "content" that includes advertisements dynamically retained at the client terminal and triggered by users' channel selections. The system is described in (0010) (0016) (0020) and others.

The abstract reads in part, "The invention's client-based form of targeting can be applied to almost any multimedia situation, including, but not limited to: TV shows, movies, advertisements, product and service offerings, music, radio, audio, etc."

Selecting a channel or show on television which is the equivalent to a URL into a browser locator window that makes a match with an advertising database maintained at the client system in the remotely controlled and updated database (0017) and in the event a match is made by comparing, an appropriate advertisement is displayed or inserted into the video stream even superimposing over the existing TV display.

Relevant Claims are: 1, 2, 4, 7 and others. Basing ad display upon program selection comparisons, demographics or time is no different than selecting a URL in a browser or Keyword in a search engine. Whether a cable TV network or the internet, both are electronic communication networks.

This is referred to as "pull" advertising as a voluntary action (channel or content selection) on the part of a user interacts with a pre-established client database and a targeted ad is displayed.

I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that little prior art was submitted with this filing correlating to the internet and only some vague references to server profiling systems. The filers are correct that a targeted system based on program selection, URLs or keywords is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

Further, the Applicant did not even cite their own 1999 Annual report that outlined such a client-server advertising system ... thus creating their own prior art to this Application. The following is an excerpt from that published document.

Benefits to Advertisers. TiVo believes that its TiVo Service will offer advertisers a new platform with more efficient and effective ways to reach their targeted audience. Key benefits offered to advertisers include the following:

Targeting Consumers. In the future, the TiVo Service will allow advertisers to offer advertising that is related to the viewing preferences stored on the personal video recorder. For example, working with its network partners TiVo could download and store several commercials on the personal video recorder and select which of these commercials to show based on the viewer's preferences. For example, an automobile advertiser may want to advertise one of several models during the airing of a particular program, depending on each viewer's preferences. If the viewer's preferences suggest that the viewer is an outdoor enthusiast, the commercial might feature a sport utility vehicle.

Their 1999 Annual Report goes on to extol the benefits of such a system and I encourage the Examiner to pull up that document and refer to Page 6.

There may be more prior art preceding the 4/12/2001 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.

United States Patent: 6,141,818 - Netscape

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United States Patent: 6,141,818

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(1 of 1)

United States Patent **6,141,818**
Hoyle **October 31, 2000**

Computer interface method and apparatus with targeted advertising

Abstract

A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising--both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.

